IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

CHAMBER SUMMONS NO. 338 of 2004

IN

TESTAMENTARY SUITNO. 7 OF 1998

IN

TETAMENTARY SUIT NO. 719 OF 1995

Malti Jagannath Tejam ... Petitioner

... Plaintiff.

Vs.

Malini @ Pratibha Anant Gholse ... Respondent /Defendant.

Ms. K.G.Poojary for the Plaintiff.

Mr. B.G.Vaidya for the Defendant.

CORAM : S.K.Shah, J.
DATE : August 26, 2004.

P.C.:-

1. This Chamber of Summons is taken out by the Defendant - Caveatrix for adding Suhas Pandurang Maral as party defendant to this Suit, on the ground that there is subsequent Will dated 24th September, 1992, executed by the deceased Mahadev Gunaji Tejam. The learned Counsel for the Plaintiff -Petitioner opposes

this Chamber Summons.

2. However, as it is the claim of the defendants that there is subsequent Will by the deceased in which said Suhas is executor of the Will, shall have to be examined as it is the subsequent Will and shall have to be added as party.

3. Consequently, the Chamber Summons is made absolute in terms of prayer clause (a). Necessary amendment shall be carried out within three weeks.

4. This Suit be removed from the caption of 'Recording of Evidence'.

[S.K.Shah, J.]